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EXAMINER

EVANS, ANDREA HENCE

ART UNIT

PAPER NUMBER

2854

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Please find below and/or attached an Office communication concerning this application or proceeding.

11A

Office Action Summary	Application No. 10/777,994	Applicant(s) HIXON ET AL.	
	Examiner Andrea H. Evans	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2004 and 16 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5,9,10,15-21, and 24-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Woodman (758491).

Referring to claim 1, Woodman teaches a portable, hand-held system for forming patterns from a sheet of material, comprising: a press (Figure 2) including first and second members (11,12) movable toward and away from one another, said first member (11) including a die retaining element (21) associated with a substantially planar die receiving surface (Surface of 21) thereof; and at least one die (18) securable to said first member by said die retaining element (See Page 1, Column 2, lines 49-52), said at least one die comprising a thin, unitary member including a plate (18) and at least one embossing element (See Figure 3, Examiner 1) continuous with a surface of said plate.

Referring to claim 2, Woodman teaches the system wherein said at least one embossing element protrudes from said surface of said plate. (See Figure 3).

Referring to claim 3, Woodman teaches the system wherein said press includes a biasing element (14,16) for moving at least one of said first and second member toward the other of said first and second member.

Referring to claim 4, Woodman teaches the system wherein said biasing element includes a pair of pivotally (17) connected handles (14,16).

Referring to claim 5, Woodman teaches the system wherein said biasing element includes a handle (14) that moves relative to a substantially stationary base (front part of 16).

Referring to claim 9, Woodman teaches the system wherein said die retaining element mechanically secures said at least one die to said die receiving surface. (See Page 1, Column 2, lines 49-52 and Page 1, Column 2, lines 58-64).

Referring to claim 10, Woodman teaches the system wherein said second member (12) includes at least one of a supporting surface (Surface of 12) and a receiving die (12) secured thereto and oriented to oppose said die receiving surface. (See Figure 2).

Referring to claim 15, Woodman teaches a method for forming a pattern from a sheet of material, comprising: securing a substantially planar die (18) including a plate (18) and at least one embossing element (Examiner 1, Figure 3) continuous with a surface of said plate to a substantially planar die receiving surface (Surface of 21) (See Column 2, page 1, lines 49-52); and manually biasing said substantially planar die and a substantially planar sheet supporting surface located opposite the sheet toward one another and against the sheet by grasping handles of a hand-held embossing apparatus and moving said handles toward one another. (See page 1, Column 2, lines 80-86).

Referring to claim 16, Woodman teaches the method wherein said providing comprises securing said substantially planar die with said at least one embossing element protruding from said surface of said plate to said substantially planar die receiving surface. (See Column 2, page 1, lines 49-51).

Referring to claim 17, Woodman teaches the method wherein said manually biasing comprises manually biasing said substantially planar die against the sheet and-a said substantially planar sheet

supporting surface including at least one recess formed therein and located correspondingly to said at least one embossing element. (See recession 19, Figure 2).

Referring to claim 18, Woodman teaches the method wherein said manually biasing comprises forcing a member (12) carrying said substantially planar die toward said sheet and said substantially planar sheet supporting surface. (See Column 2, page 1, lines 49-51).

Referring to claim 19, Woodman teaches the method wherein said forcing includes applying force to at least one handle (14) of a press associated with said member (12). (See Column 2, page 1, lines 49-51).

Referring to claim 20, Woodman teaches the method wherein said forcing comprises squeezing two handle members of a hand-held press toward one another. (See Column 2, page 1, lines 49-51).

Referring to claim 21, Woodman teaches the method further comprising securing said substantially planar die to said member. (See Column 1, page 1, lines 46-48).

Referring to claim 24, Woodson teaches a hand-held system for forming patterns from a sheet of material, comprising: a hand-held press (Figure 2) including first and second members (11,12) movable toward and away from one another, said first member (11) including a die retaining element (21) associated with a substantially planar, substantially uninterrupted die receiving surface (surface of 21) thereof; and at least one die (18) securable to said first member (11) by said die retaining element (See Column 2, page 1, lines 49-52), said at least one die comprising a thin, unitary member including a plate (18) and at least one embossing element (See Figure 3, Examiner 1) continuous with a surface of said plate.

Referring to claim 25, Woodson teaches the hand-held system wherein said at least one embossing element of said at least one die protrudes from said surface of said plate. (See Figure 3).

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Referring to claim 26, Woodson teaches the hand-held system wherein said second member (12) includes at least one of a supporting surface (Surface of 12) and a receiving die (19) secured thereto and oriented to oppose said die receiving surface. (See Figure 3).

Referring to claim 27, Woodson teaches a method for forming a pattern from a sheet of material, comprising: securing a substantially planar die (18) including a plate and at least one embossing element (See Examiner 1, Figure 3) continuous with a surface thereof to a substantially planar, substantially uninterrupted die receiving surface (Surface of 21); and manually biasing said substantially planar die against the sheet and a substantially planar sheet supporting surface located opposite the sheet with a hand-held press. (See Column 2, page 1, lines 80-86).

Referring to claim 28, Woodson teaches the method wherein said manually biasing comprises squeezing two hingedly connected members of said hand-held press toward one another. (See Column 2, page 1, lines 49-51).

Referring to claim 29, Woodson teaches the method wherein said manually biasing comprises forming the pattern so as to include at least one embossed portion. (See Column 2, page 1, lines 49-51).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woodman in view of Benson (5660105).

Referring to claim 6, Woodman teaches all that is claimed as discussed above. Woodman does not teach the system wherein said die retaining element comprises magnetic material. Benson teaches a die retaining element that comprises magnetic material (See Column 2, line 33-40). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Woodman such that the die retaining element comprises magnetic material to allow proper securing of the die as taught by Benson.

Referring to claim 7, Woodman teaches all that is claimed as discussed above. Woodman does not teach the system wherein at least said plate comprises a material that is attracted to a magnetic field. Benson teaches the system wherein at least said plate comprises a material that is attracted to a magnetic field. (See Element 58, Column 1, lines 66 – Column 2, line 5). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Woodman such that the plate comprises a material that is attracted to a magnetic field in order to attract the plate to the retaining element for a good connection as taught by Benson.

Referring to claim 8, Woodman teaches all that is claimed as discussed above. Woodman does not teach the system wherein said at least one die comprises steel. Benson teaches a die comprising steel (See Column 4, line 33). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Woodman such that the die comprises steel so that the die can be magnetically attractable as taught by Benson.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Woodman in view of Jaffin et al (2005340).

Referring to claim 11, Woodman teaches all that is claimed as discussed above. Woodman does not teach the system wherein said supporting surface of said second member comprises a cushioning element. Jaffin teaches a supporting surface of a second member that comprises a cushioning element. (27, See page 2, Column 2, lines 60-75). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Woodman such that the supporting surface of a second member comprises a cushioning element to add support when the system is under pressure as taught by Jaffin.

6. Claims 12, 22, 23 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woodman in view of Kitamura et al (5733465).

Referring to claim 12, Woodman teaches all that is claimed as discussed above. Woodman does not teach the system wherein said at least one die further includes at least one cutting edge protruding from said surface. Kitamura teaches a system wherein at least one die further includes at least one cutting edge protruding from said surface. (See Column 3, lines 35-45). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Woodman such that the die includes at least one cutting edge protruding from the surface to provide a die that can emboss and possess cutting capability as taught by Kitamura.

Referring to claim 22, Woodman teaches all that is claimed as discussed above. Woodman does not teach the method wherein said providing said substantially planar die comprises securing a substantially planar die further including at least one cutting edge to said

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substantially planar die receiving surface. Kitamura teaches at least one die further includes at least one cutting edge protruding from said surface. (See Column 3, lines 35-45). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Woodman such that the die includes at least one cutting edge protruding from the surface to provide a die that can emboss and possess cutting capability as taught by Kitamura.

Referring to claims 23 and 30, Woodman teaches manually biasing (See Column 2, page 1, lines 49-51). Woodman does not teach the method wherein said manually biasing comprises cutting said sheet with said at least one cutting edge. Kitamura teaches at least one die further includes at least one cutting edge protruding from said surface. (See Column 3, lines 35-45). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Woodman such that the die includes at least one cutting edge protruding from the surface to provide a die that can emboss and possess cutting capability as taught by Kitamura. When the die with the cutting edge is applied to the device of Woodman, manually biasing will include cutting said sheet with said at least one cutting edge.

7. Claims 13,14,31-35,39,40, and 42-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woodman in view of Kitamura et al (5733465) and further in view of Applicant's admitted prior art (AAPA).

Referring to claim 13, Woodman in view of Kitamura teaches all that is claimed as discussed above. They do not teach the system wherein said at least one die further includes at least one ejection element between adjacent portions of at least one of said at least one embossing element and said at least one cutting edge. AAPA teaches a die with an ejection element, a resilient member such as a piece of foam rubber positioned centrally within

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the die. (See Specification, page 4, paragraph 9). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Woodman in view of Kitamura to include the ejection element of AAPA to prevent the cut paper from being trapped within the confines of the die as taught by AAPA. The ejection element would be between adjacent portions of at least one of said at least one embossing element and said at least one cutting edge since AAPA states the ejection element is positioned centrally within the die and the cutting portions are located on the edge of the die.

Referring to claim 14, Woodman in view of Kitamura teaches all that is claimed as discussed above. They do not teach the system wherein said at least one ejection element is compressible and resilient. AAPA teaches an ejection element which is compressible and resilient (See Specification, Page 4, paragraph 9). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Woodman in view of Kitamura to provide a compressible and resilient ejection element to prevent the cut paper from being trapped within the confines of the die as taught by AAPA.

Referring to claim 31, Woodson teaches a portable, hand-held system for forming patterns from a sheet of material, comprising: a press (Figure 2) including first and second members (11,12) moveable toward and away from one another, said first member (11) including a die retaining element (21) associated with a substantially planar die receiving surface (surface of 21) thereof; and at least one die (18) securable to said first member by said die retaining element (See Column 2, page 1, lines 49-52), said at least one die comprising a thin, unitary member including

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a plate (18), at least one embossing element (Figure 3, Examiner 1) continuous with a surface of said plate.

Woodson does not teach at least one cutting edge protruding from said surface. Kitamura teaches at least one cutting edge protruding from said surface (See Column 3, lines 35-45). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Woodman such that the die includes at least one cutting edge protruding from the surface to provide a die that can emboss and possess cutting capability as taught by Kitamura.

Woodson in view of Kitamura does not teach and at least one ejection element between adjacent portions of at least one of said at least one embossing element and said at least one cutting edge. AAPA teaches a die with an ejection element, a resilient member such as a piece of foam rubber positioned centrally within the die. (See Specification, page 4, paragraph 9). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Woodman in view of Kitamura to include the ejection element of AAPA to prevent the cut paper from being trapped within the confines of the die as taught by AAPA. The ejection element would be between adjacent portions of at least one of said at least one embossing element and said at least one cutting edge since AAPA states the ejection element is positioned centrally within the die and the cutting portions are located on the edge of the die.

Referring to claim 32, Woodson teaches the system wherein said at least one embossing element protrudes from said surface of said plate. (See Figure 3).

Referring to claim 33, Woodson teaches the system wherein said press includes a biasing element for moving at least one of said first and second member toward the other of said first and second member. (14,16).

Referring to claim 34, Woodson teaches the system wherein said biasing element includes a pair of pivotally connected (17) handles (14,16).

Referring to claim 35, Woodson teaches the system wherein said biasing element includes a handle (14) that moves relative to a substantially stationary base (front part of 16).

Referring to claim 39, Woodman teaches the system wherein said die retaining element mechanically secures said at least one die to said die receiving surface. (See Page 1, Column 2, lines 49-52 and Page 1, Column 2, lines 58-64).

Referring to claim 40, Woodman teaches the system wherein said second member (12) includes at least one of a supporting surface (Surface of 12) and a receiving die (12) secured thereto and oriented to oppose said die receiving surface. (See Figure 2).

Referring to claim 42 and 44, Woodman in view of Kitamura teaches all that is claimed as discussed above. They do not teach the system wherein said at least one ejection element is compressible and resilient. AAPA teaches an ejection element which is compressible and resilient (See Specification, Page 4, paragraph 9). It would have been obvious to one having

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ordinary skill in the art at the time the invention was made to modify Woodman in view of Kitamura to provide a compressible and resilient ejection element to prevent the cut paper from being trapped within the confines of the die as taught by AAPA.

Referring to claim 43, Woodson teaches a die for use with a portable system for forming patterns from a sheet of material, comprising: a thin, unitary member including a plate (18); at least one embossing element (See Examiner 1, Figure 3) continuous with a surface of said plate.

Woodson does not teach at least one cutting edge protruding from said surface. Kitamura teaches at least one cutting edge protruding from said surface (See Column 3, lines 35-45). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Woodman such that the die includes at least one cutting edge protruding from the surface to provide a die that can emboss and possess cutting capability as taught by Kitamura.

Woodson and Kitamura do not teach at least one ejection element between adjacent portions of at least one of said at least one embossing element and said at least one cutting edge. AAPA teaches a die with an ejection element, a resilient member such as a piece of foam rubber positioned centrally within the die. (See Specification, page 4, paragraph 9). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Woodman in view of Kitamura to include the ejection element of AAPA to prevent the cut paper from being trapped within the confines of the die as taught by AAPA. The ejection element would be between adjacent portions of at least one of said at least one embossing element and

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said at least one cutting edge since AAPA states the ejection element is positioned centrally within the die and the cutting portions are located on the edge of the die.

Referring to claim 45, Woodson teaches the system wherein said at least one embossing element protrudes from said surface of said plate. (See Figure 3, Examiner 1).

8. Claims 36-38 and 46-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woodman in view of Kitamura et al (5733465) and further in view of Applicant's admitted prior art (AAPA) and further in view of Benson (5660105).

Referring to claim 36, Woodman in view of Kitamura and AAPA teach all that is claimed as discussed above. They do not teach the system wherein said die retaining element comprises magnetic material. Benson teaches a die retaining element that comprises magnetic material (See Column 2, line 33-40). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Woodman such that the die retaining element comprises magnetic material to allow proper securing of the die as taught by Benson.

Referring to claim 37 and 46, Woodman in view of Kitamura and AAPA teach all that is claimed as discussed above. Woodman does not teach the system wherein at least said plate comprises a material that is attracted to a magnetic field. Benson teaches a system wherein at least said plate comprises a material that is attracted to a magnetic field (See Element 58, Column 1, lines 66 – Column 2, line 5). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Woodman such that the plate comprises a material that is attracted to a magnetic field in order to attract the plate to the retaining element for a good connection as taught by Benson.

Referring to claim 38, Woodman in view of Kitamura and AAPA teach all that is claimed as discussed above. They do not teach the system wherein said at least one die comprises steel. Benson teaches a die comprising steel (See Column 4, line 33). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Woodman such that the die comprises steel so that the die can be magnetically attractable as taught by Benson.

Referring to claim 47, Woodman in view of Kitamura and AAPA teach all that is claimed as discussed above. They do not teach the system wherein each of said plate, said at least one embossing element, and said at least one cutting edge comprises steel. Benson teaches a plate (58), embossing element, and cutting edge (edges of 22) comprises steel. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Woodman such that the plate, at least one embossing element, and at least one cutting edge comprises steel so that the die can be magnetically attractable as taught by Benson.

9. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Woodman in view of Kitamura et al (5733465) and in view of Applicant's admitted prior art (AAPA) and further in view of Jaffin et al (2005340).

Referring to claim 41, Woodman, Kitamura, and in view of AAPA teach all that is claimed as discussed above. They do not teach the system wherein said supporting surface of said second member comprises a cushioning element. Jaffin teaches a supporting surface of a second member that comprises a cushioning element. (27, See page 2, Column 2, lines 60-75). It would have been obvious to one having ordinary skill in the art at the time the invention was

made to modify Woodman such that the supporting surface of a second member comprises a cushioning element to add support when the system is under pressure as taught by Jaffin.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea H. Evans whose telephone number is (571) 272-2162. The examiner can normally be reached on Monday- Friday; 8:30a-5:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrea H. Evans, ESQ

AHE


REN YAN
PRIMARY EXAMINER